

AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1699**

**Introduced by Assembly Members Olberg and Cardoza**

May 25, 1999

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An act to add ~~Section 11456~~ *Sections 11251.4 and 17103.1* to the Welfare and Institutions Code, relating to public social services, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1699, as amended, Olberg. ~~CalWORKs~~ *Public assistance* eligibility.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the CalWORKs program.

This bill would, ~~with respect to an individual whose eligibility for CalWORKs benefits is contingent upon his or her residing with a dependent child or the dependent child of a spouse,~~ make ~~the~~ *an* individual ineligible for CalWORKs if convicted of child molestation or abuse ~~or spousal abuse~~.

*The bill would, however, permit a county to provide general assistance program benefits to an individual whose eligibility for CalWORKs is denied pursuant to the bill, as long as the individual is not residing with a minor child.*

~~Because each county administers the CalWORKs program, the bill would, by imposing additional duties upon each county, constitute a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1. Section 11456 is added to the Welfare~~
- 2    ~~and Institutions Code, to read:~~
- 3    ~~11456. (a) Whenever an applicant's or recipient's~~
- 4    ~~eligibility for aid under this chapter is based upon his or~~
- 5    ~~her residing with either a dependent child or the~~
- 6    ~~dependent child of a spouse, the individual shall be~~
- 7    ~~ineligible for aid under this chapter if he or she has been~~
- 8    ~~convicted of child molestation pursuant to Section 647.6~~
- 9    ~~of the Penal Code, child abuse pursuant to Section 273a~~
- 10    ~~or 273d of the Penal Code, or a violation of Section 273.5~~
- 11    ~~of the Penal Code.~~
- 12    ~~(b) Each county shall, upon the enactment of this act,~~
- 13    ~~revoke the eligibility of any recipient to whom~~
- 14    ~~subdivision (a) applies.~~
- 15    ~~SEC. 2. Notwithstanding Section 17610 of the~~
- 16    ~~Government Code, if the Commission on State Mandates~~
- 17    ~~determines that this act contains costs mandated by the~~
- 18    ~~state, reimbursement to local agencies and school~~
- 19    ~~districts for those costs shall be made pursuant to Part 7~~

~~(commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to ensure that those convicted of crimes relating to abuse of spouses or children are not permitted to receive CalWORKs benefits, commencing at the earliest possible time, it is necessary that this act go into immediate effect.~~

*SECTION 1. Section 11251.4 is added to the Welfare and Institutions Code, to read:*

*11251.4. (a) An individual shall be ineligible for aid under this chapter if the individual has been convicted in state court, including any plea of guilty or nolo contendere, of child molestation pursuant to Section 647.6 of the Penal Code, felony child abuse pursuant to Section 273a, 273ab, or 273d of the Penal Code, or a violation of Section 273.5 of the Penal Code.*

*(b) If an individual is ineligible pursuant to subdivision (a), a county may provide assistance pursuant to Part 5 (commencing with Section 17000).*

*SEC. 2. Section 17103.1 is added to the Welfare and Institutions Code, to read:*

*17103.1. An individual ineligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 pursuant to subdivision (a) of Section 11251.4 who applies for aid under this part shall maintain his or her residence in accordance with Section 17103, and, in addition, shall not reside with an unmarried minor child.*